

JULIA A. HILTON
Senior Counsel
jhilton@idahopower.com

April 21, 2016

VIA HAND DELIVERY

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702

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IDAHO PUBLIC
UTILITIES COMMISSION

Re: Case No. IPC-E-16-07
Mobile Manor Mobile Home Park Meter Pedestals – Idaho Power
Company's Motion in Opposition to the Industrial Customers of Idaho
Power's Petition to Intervene

Dear Ms. Jewell:

Enclosed for filing in the above matter please find an original and seven (7) copies of Idaho Power Company's Motion in Opposition to the Industrial Customers of Idaho Power's Petition to Intervene.

Very truly yours,



Julia A. Hilton

JAH:csb
Enclosures

JULIA A. HILTON (ISB No. 7740)
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
Telephone: (208) 388-6117
Facsimile: (208) 388-6936
jhilton@idahopower.com

Attorney for Idaho Power Company

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF IDAHO POWER COMPANY FOR)	CASE NO. IPC-E-16-07
AUTHORITY TO TRANSFER TITLE OF)	
MOBILE MANOR MOBILE HOME PARK)	IDAHO POWER COMPANY'S
METER PEDESTALS.)	MOTION IN OPPOSITION TO THE
)	INDUSTRIAL CUSTOMERS OF
)	IDAHO POWER'S PETITION TO
)	INTERVENE
)	

Pursuant to Rule of Procedure 75, Idaho Power Company ("Idaho Power" or "Company") hereby moves the Idaho Public Utilities Commission ("Commission") to issue an order denying the Petition to Intervene filed by the Industrial Customers of Idaho Power ("ICIP") in this proceeding.

In support of this Motion, Idaho Power states as follows:

1. On April 14, 2016, ICIP filed a Petition to Intervene ("ICIP's Petition") as well as its First Production Request to Idaho Power in Case No. IPC-E-16-07. Idaho Power hereby objects to the intervention of ICIP in the present case, which asks for

Commission approval for transfer of title for 18 meter pedestals located in the Mobile Manor Mobile Home Park, including the Mobile Manor Subdivision, Mobile Manor First Addition, and Mobile Manor Second Addition (collectively, "Mobile Manor") in Pocatello, Idaho. This objection is filed pursuant to Procedural Rule 75, which states that any party opposing a petition to intervene must do so by motion in opposition filed within seven days after receipt of the petition to intervene.

2. ICIP's Petition should be denied because (1) ICIP has no direct or substantial interest in this proceeding as required by Procedural Rule 72, (2) ICIP's involvement in this case will cause unnecessary confusion of the issues, and (3) ICIP's involvement in this case will cause additional and costly delay and unnecessarily and unduly expand the scope of the issues in the case, which is not allowed under Procedural Rule 74.

3. A petition to intervene must set forth a "direct and substantial interest of the petitioner in the proceeding." Proc. Rule 72. A petition to intervene is granted, subject to reasonable conditions, if it "shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues." Proc. Rule 74.

4. ICIP has no direct or substantial interest in this proceeding as required by Procedural Rule 72. ICIP's Petition states that its members are interested in the administration and application of Idaho Power's rules, policies, and practices relating to Idaho Power facilities beyond the point of delivery. Particularly, as those relate to Idaho Power-owned facilities beyond the point of delivery, which ICIP argued in Case No. IPC-E-15-26. A general interest in Idaho Power's rules, policies, and practices is on its face an *indirect interest* in a proceeding, and certainly does not rise to the level of "direct

or substantial interest” as required by Procedural Rule 72. The transaction in this case deals with a residential customer and will not impact industrial customers, directly or indirectly.

5. ICIP’s involvement in this case will unnecessarily confuse the issues. In its discovery requests, ICIP is requesting a comparison between two very different types of facilities (meter pedestals for residential customers as compared to Company-owned facilities beyond the point of delivery for Rule M customers), which will unduly broaden the scope of the proceeding contrary to Procedural Rule 74. In this case, Idaho Power is requesting authority to transfer title of certain specific residential meter pedestals within a mobile home park to the owner of 18 different lots within the park. Starting in 1981, meter pedestals (the mobile home park equivalent of meter bases) have been owned by the owner of the underlying land, but meter pedestals installed prior to 1981 are still owned by the Company. Meter bases for residential homes are owned by the homeowner for all Idaho Power residential customers. Due to the long-term expense associated with maintaining and repairing the pedestals and in order to promote consistency in ownership of meter bases and pedestals across residential customer classes, Idaho Power seeks to transfer title of Company-owned pedestals when possible.

6. ICIP’s First Production Request indicates its apparent reason for intervention: An attempt to compare the transfer of residential meter pedestals to the sale of Company-owned facilities beyond the point of delivery for Facilities Charge Service customers under Rule M. Rule M has limited applicability: it applies to (1) customers who fall under Schedule 9 (Large General Service), Schedule 19 (Large Power Service), Special Contract, or Transmission Service customers under Schedule

24 (Agricultural Irrigation Service); (2) customers taking primary or transmission service; and (3) customers who choose a facilities charge arrangement. Facilities charge customers under Rule M are typically large customers with specific electricity needs who are responsible for facilities beyond the point of delivery. To solely serve an individual Rule M customer's specific needs, at the Rule M customer's request, the Company often agrees to install new and different facilities beyond the point of delivery in exchange for a facilities charge. Such a comparison between two types of facilities and customers, if taken to its conclusion, would unduly expand the scope of the case far beyond the Company's simple request to transfer title of 18 meter pedestals to a residential customer.

7. Furthermore, these meter pedestals are not Company-owned facilities beyond the point of delivery; they are the point of delivery. See Rule B ("Point of Delivery is the junction point between facilities owned by the Company and the facilities owned by the Customer . . ."). The point of delivery, which now occurs in residential meters, exists within the pedestal in pre-1981 meter pedestals. There is no reasonable comparison between the transfer of title for 18 residential meter pedestals and a large-scale customer desiring to purchase specialized equipment which Idaho Power installed for the customer's sole purpose under a facilities charge arrangement.

8. ICIP's Petition alleges that there may be a potential discriminatory impact in this transfer of title. There will be no discriminatory impact because all customers within a customer class are treated similarly. All residential transfers of meter pedestals are treated similarly, and have absolutely no association or impact on sales involving Rule M facilities beyond the point of delivery. As with all utility service, reasonable differences occur between different rate classes. *Idaho State Homebuilders v.*

Washington Water Power, 107 Idaho 415, 690 P.2d 350 (1984). Residential customers do not require specialized equipment like specific large-scale customers, nor do they pay a facilities charge; thus, they are governed by different rules.

9. ICIP's Petition alleges that the issues raised in this proceeding may have a material impact on rates its members pay for electric service. The transfer of 18 meter pedestals will not create a material impact on rates that any customer class pays for service. *Idaho Code* § 61-328 governs the Commission approval of sale of property and requires a Commission finding that the "cost of and rates for supplying service will not be increased by reason of such transaction." Idaho Power must prove and the Commission must accept that rates will not increase; therefore, *in order to meet the requirements of the law governing the transaction, this transfer cannot have a material impact on rates for customers*, including other customers in the residential rate class or customers, like ICIP members, that belong to a different rate class. As described in the Application, elimination of the long-term maintenance and repair costs of continued utility ownership of outdated meter pedestals outweighs the minimal costs to update them prior to the transfer of title.¹ No material impact on rates for any customer class will occur, and the legal requirements for Commission approval of the transaction prevent potential for any such occurrence.

10. It is Idaho Power's understanding that ICIP generally disputes the Company's Rule M methodology for calculation of a purchase price for Company-owned facilities beyond the point of delivery. ICIP has already raised its concerns and

¹ Idaho Power's preliminary estimates show that costs to update the pedestals prior to transfer of title may be approximately \$500-\$600 per pedestal. Because the long-term maintenance and repair costs of continued utility ownership would outweigh this updating expense, the total cost to update 18 pedestals will not have a material impact on any customer class and will not impact rates.

requested a generic docket to determine Rule M pricing methodology in Case No. IPC-E-15-26; the parties are currently awaiting an order on reconsideration. ICIP's attempt to raise industrial customers' concerns in this case unduly expands the scope of the issues to tangential and indirect concerns. ICIP is not without means with which to address the issues it feels are relevant to its member's concerns, and it is not necessary for it to intervene in Mobile Manor's case in order to be heard.

11. ICIP's involvement will cause unnecessary delay to the process and confusion of the issues. In addition to filing its Petition to Intervene, ICIP filed a set of discovery requests. This alone, without even considering the substance of its production requests, introduces additional time and delay to the proceedings. Additionally, there are objectionable issues regarding the substance of ICIP's requests, all of which will introduce additional delay and issues into this case.

REQUEST FOR RELIEF

WHEREFORE, because this transaction will have no direct or substantial impact on Idaho Power's industrial customers, and allowing the intervention will cause undue delay, unnecessary confusion of the issues, and unduly expand the scope of the proceedings, Idaho Power respectfully requests that the Commission issue an order denying ICIP's Petition to Intervene in this matter. Idaho Power also requests that the Commission suspend deadlines associated with ICIP's discovery request in this case until the Commission has ruled on ICIP's intervention request.

Respectfully submitted at Boise, Idaho, this 21st day of April 2016.



JULIA A. HILTON
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April 2016 I served a true and correct copy of IDAHO POWER COMPANY'S MOTION IN OPPOSITION TO THE INDUSTRIAL CUSTOMERS OF IDAHO POWER'S PETITION TO INTERVENE upon the following named parties by the method indicated below, and addressed to the following:

Commission Staff

Daphne Huang
Deputy Attorney General
Idaho Public Utilities Commission
472 West Washington (83702)
P.O. Box 83720
Boise, Idaho 83720-0074

☒ Hand Delivered
☐ U.S. Mail
☐ Overnight Mail
☐ FAX
☒ Email daphne.huang@puc.idaho.gov

Industrial Customers of Idaho Power

Peter J. Richardson
RICHARDSON ADAMS, PLLC
515 North 27th Street (83702)
P.O. Box 7218
Boise, Idaho 83707

☐ Hand Delivered
☒ U.S. Mail
☐ Overnight Mail
☐ FAX
☒ Email peter@richardsonadams.com

Dr. Don Reading
6070 Hill Road
Boise, Idaho 83703

☐ Hand Delivered
☒ U.S. Mail
☐ Overnight Mail
☐ FAX
☒ Email dreading@mindspring.com


Christa Barry, Legal Assistant